

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

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In re:

Case No. 15-41069-CEC

Brian H. Denker-Youngs,

Chapter 7

Debtor.

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**ORDER GRANTING AND DENYING RELIEF SOUGHT IN DEBTOR'S ORDERS TO SHOW  
CAUSE**

**WHEREAS**, on the application of Brian H. Denker-Youngs (the "Debtor") the Court issued an order to show cause on October 5, 2015 (ECF 56) why the following relief should not be granted

- 1) To vacate the order of this Court dated October 2, 2015 converting this case from Chapter 11 to Chapter 7, and
- 2) To stay all proceedings in the Suffolk County Supreme Court against the Debtor, and
- 3) To allow the Appellate Division, Second Department to proceed with review of the Debtor's appeal and order to show cause, and
- 4) To direct Edward J. Denker-Youngs to appear for a deposition pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, and
- 5) To discharge Debtor's counsel, Lawrence Morrison, and to direct the return of all fees paid by the Debtor for representation in this case.

**WHEREAS**, on the application of Morrison & Tenenbaum P.C. the Court issued an order to show cause on October 6, 2015 why that firm should not be relieved as counsel to the Debtor in this case (ECF 58),

**WHEREAS**, on October 8, 2015 the Debtor filed an affidavit in opposition to the latter order to show cause, together with an application for an order to show cause (ECF 62) seeking,

- 1) A stay of this bankruptcy case, and
- 2) A stay of all proceedings against the Debtor in Suffolk County until further notice pending a determination of any violation of the automatic stay in the case, and
- 3) A denial of Lawrence Morrison's application for leave to withdraw as Debtor's counsel, and
- 4) To grant Debtor's cross motion discharging Lawrence Morrison for cause and holding Lawrence Morrison in contempt of the Bankruptcy Court, and
- 5) A return of funds paid by the Debtor to Lawrence Morrison.

**WHEREAS**, a hearing on both the Debtor's October 6 order to show cause (ECF 56), Morrison Tenenbaum's order to show cause (ECF 58), and the Debtor's October 8 proposed order to show cause

(ECF 62), was held in this Court on October 22, 2015 at 2:30 P.M., NOW THEREFORE IT IS

**ORDERED**, that the Debtor's motion to vacate the October 2, 2015 order converting the case to Chapter 7 is denied, and it is further

**ORDERED**, that the Debtor's motion for a stay of proceedings against the Debtor in Suffolk County Supreme Court is denied; provided however, that the automatic stay shall remain in effect to the extent it is applicable to those proceedings except as provided herein or in another order of this Court; and it is further

**ORDERED**, that the Debtor's motion for relief from the automatic stay to permit the continuation of proceedings in Appellate Division, Second Department in connection with the Debtor's pending appeal is granted; and it is further

**ORDERED**, that the Debtor's motion for examinations pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure in this case is denied, without prejudice to renewal in the event this case is re-converted to chapter 11, or in the event that such an examination by the Debtor is demonstrated to be relevant to any issue in this Chapter 7 case; and it is further

**ORDERED**, that the motion by Morrison & Tenenbaum to be relieved as Debtor's counsel is granted, and Debtor's motion to hold Lawrence Morrison in contempt is denied, and it is further

**ORDERED**, that the Debtor's motion seeking a return of fees paid to Morrison & Tenenbaum will be heard with Morrison & Tenenbaum's fee application, which is currently scheduled for December 2, 2015, and it is further

**ORDERED**, that Debtor's application for a stay of this case is denied.

**Dated: Brooklyn, New York  
November 5, 2015**



  
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**Carla E. Craig**  
**United States Bankruptcy Judge**